

CALFEE**Facsimile Cover****FAX RECEIVED****FEB 21 2006****OFFICE OF PETITIONS**

Calfée, Halter & Griswold LLP

1400 McDonald Investment Center
800 Superior Avenue
Cleveland, Ohio 44114-2688
216.622.8200 Phone
216.241.0816 Fax1100 Fifth Third Center
21 East State Street
Columbus, Ohio 43215-4243
614.621.1500 Phone
614.621.0010 Fax
www.calfec.com

Date: February 21, 2006
To: John J. Gillon, Jr., Senior Attorney
USPTO - Attn: Office of Petitions
Fax Number: 1.571.273.0025
Send Only to the Above Fax Number:
Confirmation Phone Number:

From: Mark R. Hull, Esq.
Direct Dial Phone Number: 216.622.8419

Client Number: 21220 **Matter Number:** 04146 **Client Name:** Goodrich Corporation

Number of Pages: 3

Message:

Per our telephone conversation this morning, attached please find:

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT (2 pages)

(YD1134.DOC;1) This facsimile transmission contains confidential and/or legally privileged information from the law firm of Calfée, Halter & Griswold LLP intended only for the use of the individual(s) named on the transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile transmission is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the documents to us at no cost to you.

If there is a problem with this transmission, please contact the Fax Department at: 216.622.8426, 216.622.8427, or 216.622.8428. Facsimiles can be received 24 hours per day, 7 days a week at 216.241.0816. Thank You.

Fax Operator's Initials:

Sent By:
Time:

Logged By:
Time:



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CALFEE HALTER & GRISWOLD, LLP
800 Superior Avenue
Suite 1400
Cleveland, OH 44114

FEB 16 2006
FAX RECEIVED

FEB 21 2006

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT**

In re Application of:

FOX *et al.*

Serial No.: 10/695,040

Filed: October 27, 2003

Attorney Docket No.: 21220/04146

This is a decision on the petition filed August 15, 2005, to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the Restriction Requirement mailed on January 27, 2005. A Notice of Abandonment was mailed on August 01, 2005.

Petitioner asserts that the Office action mailed on January 27, 2005, was not received. To support this assertion, petitioner provided a statement attesting that a search of the file jacket and docket records showed that the Office action was not received. A copy of the file docket where the Office action would have been entered was provided to support the petition.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.B.P. § 711.03(c).

The petition is sufficient to establish a showing of non-receipt of the Office action mailed on January 27, 2005.

DOCKETED RECEIVED

FEB 20 2006

FEB 20 2006

RECEIVED

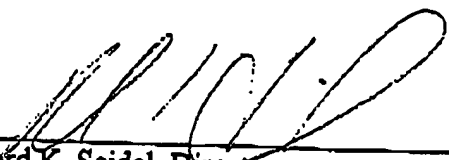
Application Serial No.: 10/695,040
Decision on Petition

2

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The response filed with the petition is accepted as timely, and will be entered into the record. The application will be sent to the examiner for further examination.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components